

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROSCHEIM V. WILKERSON,

Plaintiff,

v.

MS. SCHAFER, *et al.*,

Defendants.

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CIVIL NO. 4:09-CV-2539

Hon. John E. Jones III

ORDER

March 10, 2010

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff Roscheim V. Wilkerson (“Plaintiff” or “Wilkerson”), an inmate presently confined at the Huntingdon State Correctional Institution (“SCI Huntingdon”) in Huntingdon, Pennsylvania, initiated the above action *pro se* by filing a Complaint under the provisions of 42 U.S.C. § 1983. (Doc. 1.) Named as Defendants are the following SCI Huntingdon employees: Correctional Officer Hengst, Hearing Examiner Mitchell, Deputy Warden Corbin, Deputy Warden Fisher, Superintendent Lawler, Drug and Alcohol Specialist Schafer, and Drug and Alcohol Supervisor Ciavarella. (*See id.* at 1, 2 § III.) He has requested leave to proceed *in forma pauperis*. (Doc. 5.)

Presently before the Court is a document filed by Plaintiff entitled “Petition to

Amend and/or Supplemental Brief for 42 U.S.C. § 1983.” (Doc. 7.) In this document, Plaintiff names the same Defendants as in the Complaint and states that he seeks to add a request for injunctive relief in the form of a transfer to a different state facility to his Complaint. (*See id.*) He states that he seeks this relief because he fears that SCI Huntingdon employees will retaliate against him for filing the instant civil action. (*See id.*) Because it appears that Plaintiff seeks to add a claim for relief based on an occurrence or event that happened after the filing of his Complaint, his Motion will be granted, and his filing will be construed as a supplement to the Complaint. *See* Fed. R. Civ. P. 15(d). Accordingly, Plaintiff’s request to proceed *in forma pauperis* will be granted, and service of the Complaint (Doc. 1) and Supplement (Doc. 7) will be directed.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Plaintiff’s Application to proceed *in forma pauperis* (Doc. 5) is construed as a request to proceed without full prepayment of fees and costs, and the Application is **GRANTED**.
2. Plaintiff’s Motion to Amend Complaint (Doc. 7) is **GRANTED**, and this filing is construed as a Supplement to the Complaint.
3. The United States Marshals Service is directed to serve the Complaint

(Doc. 1) and Supplement (Doc. 7) on Defendants Hengst, Mitchell, Corbin, Fisher, Lawler, Schafer, and Ciavarella. (*See* Doc. 1 at 1, 2 § III.)

s/ John E. Jones III
John E. Jones III
United States District Judge